

REMARKS/ARGUMENTS

By this Amendment, claim 1 is amended, claims 10-15 are added and claim 3 is canceled. Claims 2 and 4-9 have been withdrawn from consideration pursuant to a restriction requirement. Claims 1-2 and 4-15 are pending.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

New claims 10-15 are added to more completely claim the full scope of the invention and find support in the specification at page 10, lines 6-26. No new matter is added.

Restriction Requirement

Contrary to the Office Action at page 2, claims 1 and 4-9 share the special technical feature of an isolated or synthetic peptide comprising SEQ ID NO:1; SEQ ID NO:2; SEQ ID NO:3 or SEQ ID NO:4. Assuming for the sake of argument that the Examiner is correct that claim 3 does not share a special technical feature with the claims of the other groups, this does not justify restriction of the claims into seven different groups. The Examiner has not even attempted to show that there is no special technical feature shared by claims 1-2 and 4-9.

Accordingly, the Examiner has not made a prima facie showing that the claims lack unity of invention, and the restriction requirement should be withdrawn.

Rejections under 35 U.S.C. § 112

The rejection of claim 1 as allegedly being indefinite under 35 U.S.C. § 112, first paragraph, is obviated by the amendment of claim 1 to include the limitation “wherein the

peptide is an anti-hypertensive agent”, as suggested by the Examiner. Accordingly, reconsideration and withdrawal of the indefiniteness rejection are respectfully requested.

The enablement and written description rejections of claim 3 under 35 U.S.C. § 112 are obviated by the cancellation of claim 3. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

Rejection under 35 U.S.C. § 102

Claim 3 stands rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by a single amino acid. This rejection is respectfully traversed.

The anticipation rejection of claim 3 is rendered moot by the cancellation of claim 3. However, claim 3 did not read on a single amino acid, since the claim required a peptide, which by definition requires at least two amino acids bonded together by a peptide bond. Moreover, claim 3 required the peptide to be an anti-hypertensive agent, which the Examiner has not shown to be a property of known amino acids or peptides.

Accordingly, reconsideration and withdrawal of the anticipation rejection is respectfully requested.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

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Amendment Dated October 6, 2006
Responsive to Office Action Dated April 6, 2006

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

October 6, 2006

Please charge or credit our
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